

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**January 17, 2005**

There were no minutes for this date.

**January 18, 2005**

At 9:36 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Davis, Associate Justice; Hull, Associate Justice and Rios, bailiff.

**C046126      SCHIEVELBEIN v. STATE PERSONNEL BOARD and DEPARTMENT OF TRANSPORTATION et al.**

Cause called. Thomas Perez argued for appellant. Cristiana Ines Rojas, general counsel argued for respondent Department of Transportation et al. Cause submitted.

At 10:06 a.m., the court recessed. At 10:12 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

**C044448      THE PEOPLE v. THURMAN**

Cause called. Maureen L. Fox, court appointed counsel, argued for appellant and submitted additional citations. Michael Dolidia, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:39 a.m., the court recessed. At 10:45 a.m., the court reconvened with Scotland, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C044810      BREKKE v. WILLS**

Cause called. Freda D. Pechner argued for appellant. Beverly L. Brekke argued In Pro Per as respondent. Cause submitted.

At 11:11 a.m., the court recessed. At 11:16 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

**C045711      RIVERLAKE COMMUNITY ASSOCIATION v. CITY OF SACRAMENTO et al.**

Cause called. Stephen P. Belzer argued for appellant. Joseph P. Cerullo argued for respondents. Cause submitted.

At 11:44 a.m., the court recessed. At 11:46 a.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

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**January 18, 2005, continued**

**C044535      SINGH v. LIPWORTH et al.**

Cause called. Raj Singh argued In Pro Per as appellant. Steven C. Finley argued for respondent. Cause submitted.

At 12:07 p.m., the court recessed. At 2:04 p.m., the court reconvened with Davis, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

**C046093      STEWARD v. TOWN OF PARADISE**

Cause called. David H. Rush argued for appellant. Larry L. Baumbach argued for respondent. Cause submitted.

At 2:32 p.m., the court recessed. At 2:35 p.m., the court reconvened with Nicholson, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C047144      FERRARIS v. ALEXANDER**

Cause called. Robert David Arenstein argued for appellant and submitted additional citations. Pam Alexander argued In Pro Per as appellant. Cause submitted.

At 3:01 p.m., the court recessed until 9:30 a.m., Wednesday, January 19, 2005.

**C044284      THE PEOPLE v. GUIDO**

BY THE COURT:

Appellant's petition for rehearing is denied.

HULL, Acting P.J.

**January 19, 2005**

**MISC. ORDER 2005-001**

By The Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on January 21, 2005, through January 28, 2005, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

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**January 19, 2005, continued**

At 9:34 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Davis, Associate Justice and Rios, bailiff.

**C043519 THE PEOPLE v. WERTZ III**

Cause called. Roberta Simon, court appointed counsel, argued for appellant. Susan Rankin Bunting, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:50 a.m., the court recessed. At 9:53 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Butz, Associate Justice.

**C044196 SADLER v. GREG CARPENTER CONCRETE, INC.**

Cause called. William H. Parish argued for appellant. James L. Sadler argued for respondent. Cause submitted.

At 10:24 a.m., the court recessed. At 10:27 a.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Nicholson, Associate Justice.

**C045608 THE PEOPLE v. BREWER**

Cause called. Charles M. Sevilla argued for appellant. Susan Rankin Bunting, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:51 a.m., the court recessed. At 10:56 a.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

**C046721 THE PEOPLE v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY and LOPEZ**

Cause called. Grant L.C. Brooks, and Kevin A. Hicks, Deputy District Attorneys, argued for petitioner. Ellen S. Schwarzenberg, County Public Defender, argued and Nelson Lu, County Public Defender appeared only for real party in interest. Cause submitted.

At 11: 21 a.m., the court recessed. At 2:04 p.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

**C047134 MORRISS v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and SOUTHERN PACIFIC TRANSPORTATION COMPANY**

Cause called. Larry Lockshin argued for appellant. Joseph P. Mascovich argued for real party in interest. Cause submitted.

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**The Minutes**

**January 19, 2005, continued**

At 2:29 p.m., the court recessed until 9:30 a.m., Friday, January 21, 2005.

**C045282      THE PEOPLE v. CLAY      (Not for Publication)**  
The judgment is modified... The judgment is affirmed in all other respects.  
The trial court is directed to prepare and forward an amended abstract of  
judgment to the Department of Corrections.  
HULL, J.  
We Concur:    Sims, Acting P.J.  
                 Butz, J.

**C044409      THE PEOPLE v. LEE**  
**BY THE COURT:**  
Appellant's petition for rehearing is granted. The decision filed on  
December 28, 2004, is vacated.  
BLEASE, Acting P.J.

**January 20, 2005**

**C044409      THE PEOPLE v. LEE      (Not for Publication)**  
The judgment is affirmed.  
Davis, J.  
We Concur:    Blease, Acting P.J.  
                 Butz, J.

**C045460      KOHANE-TAYLOR v. TAYLOR      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur:    Nicholson, J.  
                 Hull, J.

**C043341      THE PEOPLE v. MARTINEZ      (CERTIFIED FOR PUBLICATION)**  
**THE COURT:**  
The opinion in the above matter, filed January 14, 2005, is modified...  
... This modification does not change the judgment.  
BLEASE, Acting P.J.  
SIMS, J.  
RAYE, J.

**C046377      THE PEOPLE v. GANZ**  
**BY THE COURT:**  
Appellant's petition for rehearing is denied.  
DAVIS, Acting P.J.

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**January 21, 2005**

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Raye, Associate Justice; and Facey, bailiff.

**C044291 SUTTON et al. v. SUMNER et al.**  
**C045697 SUTTON et al. v. SUMNER et al.**

Cause called. Michael R. Brown appeared only for appellants. Shahab E. Fotouhi appeared only for respondents. Appellants' motion to dismiss is granted. The appeal is dismissed and the remittitur will issue forthwith.

At 9:35 a.m., the court recessed. At 9:39 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

**C044567 THE PEOPLE v. CHEK**

Cause called. A.M. Weisman, court appointed counsel, argued for appellant. George M. Hendrickson, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:03 a.m., the court recessed. At 10:06 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

**C045867 CARNES v. THE SUPERIOR COURT OF PLACER COUNTY**

Cause called. George F. Allen argued for appellant. Nancy J. Sheehan argued for respondent. Cause submitted.

At 10:38 a.m., the court recessed. At 10:41 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Raye, Associate Justice.

**C045373 MORGAN v. ENLOE MEDICAL CENTER et al.**

Cause called. Joel Bruce Douglas argued for appellant. Joseph E. Addiego III, argued for respondent. Cause submitted.

At 11:20 a.m., the court recessed until 9:30 a.m., Monday, January 24, 2005.

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**The Minutes**

**January 21, 2005, continued**

- C044220      THE PEOPLE v. CRELLER      (Not for Publication)**  
The sentence on the section 12022.7 enhancement is vacated and the matter is remanded for resentencing consistent with this opinion. In all other respects, the judgment is affirmed.  
DAVIS, J.  
We Concur:    Blease, Acting P.J.  
                 Raye, J.
- C044553      THE PEOPLE v. WASHINGTON      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur:    Sims, Acting P.J.  
                 Robie, J.
- C045436      THE PEOPLE v. LEE      (Not for Publication)**  
Defendant's opening brief filed on May 21, 2004, pursuant to *Wende*, supra, 25 Cal. 3d 436, is stricken. The judgment is affirmed.  
BUTZ, J.  
We Concur:    Davis, Acting P.J.  
                 Robie, J.
- C047145      In re KYLEIGH L. et al.; PLACER COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. JARAH L.      (Not for Publication)**  
The orders denying appellant's petition for modification and terminating parental rights are affirmed.  
CANTIL-SAKAUYE, J.  
We Concur:    Scotland, P.J.  
                 Sims, J.